



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/861,989 05/22/97 DILLARD

K 60323

TM02/0810

EXAMINER

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CARLSON, J

ART UNIT PAPER NUMBER

2162

DATE MAILED:

08/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	08/861,989	DILLARD ET AL.
	Examiner	Art Unit
	Jeffrey D. Carlson	2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 May 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 3-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 3-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the paper(s) filed 5/29/2001.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 9-11, 13, 15, 19, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Wasilewski et al. U.S. Patent No. 5,341,425. As per claim 13, Wasilewski teaches a system or method for preventing unauthorized use of software transmitted over a communication link the system or method comprising a receiving electronic unit having a unique software key (see col. 4 lines 44-56); encrypting software as a function of the unique software key of the receiving electronic unit (see col. 6 lines 1-5); transmitting encrypted software over communication link; uploading encrypted software into the electronic unit with unique software key that matches the unique software key used by the encryption means (see col. 6 lines 48-65). Wasilewski teaches that both the encryptor and the decryptor are each provided with the unique encryption key (see col. 2 lines 12-54).

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4. As per claims 9 and 11, Wasilewski does not explicitly disclose a footer tag that includes the unique software key. However, this feature is deemed to be inherent for the encrypted message to include code to indicate whether the message is encrypted or not and to compare the unique software key to the key in the footer or header to determine if it matches.

5. As per claims 10, 15, 19 and 21, Wasilewski teaches applying a unique software key to the receiving electronic unit; encrypting software code as a function of a single software key; transmitting the encrypted software code from said transmitting electronic unit over communication link to the electronic unit (see col. 2 lines 13-69); decrypting transmitted encrypted software code at the receiving unit according to the software key used to encrypt the software code and the unique software keys applied to the receiving units (see col. 3 lines 19-51).

6. As per claim 22, Wasilewski does not explicitly show transmitting an upload program with the encrypted software code and decrypting transmitted encrypted software code according the transmitted upload program, however transmitting a program to decrypt encrypted code according to the program is an inherent feature of the encryption and decryption method of Wasilewski (see col. 1 lines 40-66).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-8, 12, 14, 16-18, 20, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al (US5341425) and further in view of Teare et al. U.S. Patent No. 5,243,652.

9. As per claims 3, 4, 12, 14, 20 and 23 Wasilewski does not explicitly disclose a global positioning system unit with unique software key and topographical or navigational data. Teare et al. discloses the use of global positioning system unit with unique location history used for topographical/navigational data (see column 3 lines 4-9 and 30-36). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine Wasilewski invention with Tear et al. invention in order to determine locations.

10. As per claims 5 and 16, Wasilewski does not disclose cyclic redundancy coding. However official notice is taken that cyclic redundancy coding is old and well known in the art of error detection. It would have been obvious to one of ordinary skill in the art at

the time of applicant's invention to implement cyclic redundancy coding in order to detect transmission errors.

11. As per claims 6 and 17 Wasilewski discloses unique key initially used as a seed for encrypting software (see col. 1 lines 43-56).

12. As per claims 7, 8 and 18, Wasilewski does not disclose wired or Internet link. However official notice is taken that wired or Internet link is old and well known in the art of communication link. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement wired or Internet as transmission medium which is a readily available link.

Response to Arguments

13. Applicant's arguments filed 5/29/01 have been fully considered but they are not persuasive. When given their broadest reasonable interpretation, the instant claims set forth a receiver with a software key; the key is used to encrypt and decrypt the data. The use of the term "unique" is not given substantial weight as there is no limitation that it be unique to anything in particular. Further, the claim covers a single receiver whereby the language that indicates the receiver has a "unique" key adds no limitation in particular. While Wasilewski discloses multiple transmission sites each with unique keys, applicant's claims read on the applied art as above. Applicant's argument that the

example on page 3 cannot be performed by Wasilewski is moot, as such features are not required by the claims.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 703-308-3402. The examiner can normally be reached on 8:30-6p, off on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-6606 for regular communications and 703-305-6606 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Jeffrey D. Carlson
Examiner
Art Unit 2162

jdc

jdc
August 8, 2001

Eric W. Stamber

ERIC W. STAMBER
PRIMARY EXAMINER